

**MONDAY, MARCH 30, 1987**

**TWENTY-SIXTH LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend David Comperry, First United Methodist Church, Selmer, Tennessee.

Representative Herron led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harriill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 260, 566, 688 and 1200; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 74, 175, 276, 292, 338, 359, 562, 636, 872, 932 and 1013; Senate Resolutions Nos. 8 and 10; Senate Joint Resolutions Nos. 97, 99, 102, 103, 104, 110, 120 and 121; and House Bills Nos. 260, 566, 688 and 1200.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 524, 1165, 1166, 1215, 1216, 1217, 1223, 1224, 1228, 1229, 1231, 1232 and 1236; and House Joint Resolution No. 159; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 524, 1165, 1166, 1215, 1216, 1217, 1223, 1224, 1228, 1229, 1231, 1232, 1236; and House Joint Resolution No. 159.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill No. 1192 with his approval.

**DAVID H. WELLES,**  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill No. 1187 with his approval.

**DAVID H. WELLES,**  
Counsel to the Governor.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 18, 68, 69, 133, 136, 449, 563, 638, 640, 746, 1193, 1196, 1203, 1204, 1205; and House Joint Resolutions Nos. 94, 95, 96, 97, 98, 100, 101, 102, 104, 108, 112, 113, 114, 121 and 140 with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

I am directed by the Governor to return herewith: House Bills Nos. 5, 189, 311, 335, 353, 419, 433, 456, 530, 549, 935, 1206, 1209, 1210, 1218 and 1219; and House Joint Resolutions Nos. 47, 117, 122, 124, 125, 126, 128, 129, 130, 136, 138 and 141 with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**CALENDAR**

House Bill No. 242--Regulate Occupation of Cosmetology.

Mr. Davidson moved that House Bill No. 242 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 242 by adding the following new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION \_\_\_\_ . Tennessee Code Annotated, Section 62-4-103(b), is amended by deleting subdivisions one (1), through four (4) inclusive and substituting instead the following:

(1) Five (5) members shall be cosmetologists, each of whom has been a licensed cosmetologist in the state of Tennessee for at least five (5) years. Provided, further, that no such member shall, while serving on the board, be an instructor, owner, or manager of a school, an employee in a school, or in any manner connected with a school.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

(2)(A) Two (2) members shall be persons at least twenty-one (21) years of age who are not engaged in the occupation of cosmetology. One (1) of such public members shall be a person who holds a baccalaureate degree with a major in education and such person shall participate in all activities of the board except administration of practical portions of examinations and inspection of schools.

(2)(B) The second public member shall only be required to be at least twenty-one (21) years of age and not engaged in the occupation of cosmetology. Provided, however, upon the expiration of the term of such public member, an instructor who has held a valid instructor's license, issued by the board, for at least five (5) years, shall be appointed as his or her successor. Thereafter, an instructor licensee meeting the above qualifications shall be appointed to this position on the board. Provided, further, the person holding such position on the board shall be entitled to participate in all activities of the board except administration of examinations and inspection of schools.

(3) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

AND FURTHER AMEND by adding a new section, to be appropriately numbered, prior to the effective date section, and renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. This act shall not affect the expiration dates of the terms of the members serving on the board on the effective date of this act.

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 242 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-4-122, is amended by designating the existing subsection (d) as (d)(1) and by adding the following:

(d)(2) Provided, however, students may render manicuring services on patrons upon receiving at least one hundred (100) hours of instruction, and acquiring the requisite skill and knowledge. Students may render manicuring services only within a school while under the direct supervision of a licensed instructor.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 242 by deleting from Section 11, the entire amendatory subsection designated "(j)".

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 242 by deleting sub-item (2) in its entirety from the new section which amended Section 62-4-103(b), and by substituting instead the following sub-items, renumbering sub-item (3) as sub-item (5):

(2) Two members shall be persons at least twenty-one (21) years of age who are not engaged in the occupation of cosmetology.

(A) One (1) of such public members shall be a person who holds a baccalaureate degree with a major in education and such person shall participate in all activities of the board except administration of practical portions of examinations and inspection of schools.

(B) No educational degree requirements shall apply for the second public member, and such member shall participate in all activities of the board except composition of examinations, administration of practical portions of examinations, and inspection of schools.

(3) One (1) member shall be an instructor who has held a valid instructor's license, issued by the board, for at least five (5) years. Such member shall be entitled to participate in all activities of the board except administration of examinations and inspection of schools.

(4) One (1) member shall be an owner of a school licensed by the board. Such member shall be entitled to participate in all activities of the board except administration of examinations and inspection of schools.

AND FURTHER AMEND by inserting the following language as a new section to be appropriately numbered immediately preceding the effective date section, and by renumbering the effective date section accordingly:

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-4-103(b), is amended by deleting the word and figure "seven (7)", and by substituting instead the word and figure "nine (9)".

On motion, the amendment was adopted.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 242 by inserting the following language as a new section to be appropriately numbered immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-4-104, is amended by redesignating subsection (a) as subdivision (a)(1) and inserting the following as new subdivision (a)(2):

(a)(2) The school owner and instructor members of the board shall initially be appointed to terms of three (3) years and four (4) years, respectively. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term; except that appointments made to fill vacancies shall be for the duration of the unexpired term.

On motion, the amendment was adopted.

Thereupon, House Bill No. 242, as amended, passed its third and final consideration by the following vote:

Ayes .....	97
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom,

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

Representative present and not voting was: Collier--1.

A motion to reconsider was tabled.

House Bill No. 772--Open-end credit plans.

On motion, House Bill No. 772 was made to conform with Senate Bill No. 770.

On motion, Senate Bill No. 770, on same subject, was substituted for House Bill No. 772.

Mr. Tanner moved that Senate Bill No. 770 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

Mr. Tanner moved that House Bill No. 497 be placed on the Calendar for Monday, April 6, 1987, which motion prevailed.

House Bill No. 394--Valid certificate of acknowledgement.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

On motion, House Bill No. 394 was made to conform with Senate Bill No. 775.

On motion, Senate Bill No. 775, on same subject, was substituted for House Bill No. 394.

Mr. Tanner moved that Senate Bill No. 775 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

Mr. Tanner moved that House Bill No. 392 be placed on the Calendar for Monday, April 6, 1987, which motion prevailed.

House Bill No. 768--State park benefits national guard.

On motion, House Bill No. 768 was made to conform with Senate Bill No. 336.

On motion, Senate Bill No. 336, on same subject, was substituted for House Bill No. 768.

Mr. Dixon moved that Senate Bill No. 336 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland,



**MONDAY, MARCH 30, 1907--26TH LEGISLATIVE DAY**

Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

House Bill No. 550--County Court fees.

Mr. Napier moved that House Bill No. 550 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 550 by deleting Sections 2, 3, and 4 in their entirety and renumbering Section 5 to be Section 2.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 550 by adding a new section thereto immediately before the effective date section and renumbering such section accordingly:

**SECTION \_\_\_\_.** All funds collected under the provisions of this act shall be deposited in the general fund of the county in which such costs are imposed.

Mr. Napier moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	41
Noes	57

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Burnett,

## **MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Byrd, Coffey, Collier, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Drew, Ellis, Frensley, Gaia, Good, Hassell, Hawkins, Head, Henry, Jackson, Jared, Jones, R. (Shelby), Kent, Moore (Lawrence), Naifeh, Nance, Napier, Phillips, Robinson (Davidson), Stafford, Turner, C. (Shelby), West, Whitson, Williams, Winningham, Wix, Wolfe and Yelton--41.

Representatives voting no were: Bivens, Bushing, Cain, Chiles, Clark, Copeland, Crain, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Duer, Garrett, Harrill, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, May McAfee, Miller, Montgomery, Moody, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Wheeler, Wood and Mr. Speaker Murray--57.

Thereupon, Amendment No. 2 was adopted.

Mr. Napier moved to amend as follows:

### **AMENDMENT NO. 3**

Amend House Bill No. 550 by deleting from Section 1 the language "together with necessary court costs." and by substituting instead the language "with clerks' costs of not more than sixteen dollars (\$16.00).".

Mr. Napier moved that House Bill No. 550 be placed on the Calendar for Monday, April 13, 1987, which motion prevailed.

House Bill No. 463--Fire Protection Outside Corporate Limits.

Mr. Crain moved that House Bill No. 463 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

### **AMENDMENT NO. 1**

Amend House Bill No. 463 in SECTION 1 by deleting the words "municipality lies" from the first sentence of the amendatory language and substituting instead the words "fire protection is to be provided".

And FURTHER amend in SECTION 1 by deleting the words "it lies" from the second sentence in the amendatory language and substituting instead the words "fire protection is to be provided".

On motion, the amendment was adopted.

# MONDAY, MARCH 30, 1967--26TH LEGISLATIVE DAY

Thereupon, House Bill No. 463, as amended, passed its third and final consideration by the following vote:

Ayes .....	99
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

House Bill No. 429--Middle Tennessee Zoo.

Mr. West moved that House Bill No. 429 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes .....	25
Present and not voting .....	1

Representatives voting aye were: Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Holcomb, Holt, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, May, Miller, Moody, Moore (Lawrence), Moore (Shelby), Napier, Odom, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Wix, Wood, Yelton--70.

Representatives voting no were: Bell, Bewley, Bragg, Coffey, Davis (Gibson), Duer, Henry, Hobbs, Hurley, Ivy, Montgomery, Nance, Phillips, Rhinehart, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Tankersley, Webb, Whitson, Winningham, Wolfe and Mr. Speaker Murray--25.

## **MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Representative present and not voting was: Naifeh--1.

A motion to reconsider was tabled.

House Bill No. 367--Arrest of teachers.

On motion, House Bill No. 367 was made to conform with Senate Bill No. 313.

On motion, Senate Bill No. 313, on same subject, was substituted for House Bill No. 367.

Mr. West moved that Senate Bill No. 313 be passed on third and final consideration.

Mr. West moved that Senate Bill No. 313 be placed on the Calendar for Thursday, April 2, 1987, which motion prevailed.

### **CONSENT CALENDAR**

House Bill No. 673--Clarify Marital Property.

On motion, House Bill No. 673 was made to conform with Senate Bill No. 606.

On motion, Senate Bill No. 606, on same subject, was substituted for House Bill No. 673.

House Bill No. 677--Definitions Safe Dams Act.

On motion, House Bill No. 677 was made to conform with Senate Bill No. 609.

On motion, Senate Bill No. 609, on same subject, was substituted for House Bill No. 677.

House Bill No. 86--Inmates to Renovate Substand Housing.

House Bill No. 147--Transplantation of Body Parts.

On motion, House Bill No. 147 was made to conform with Senate Bill No. 185.

On motion, Senate Bill No. 185, on same subject, was substituted for House Bill No. 147.

House Bill No. 700--Radnor Lake.

House Bill No. 403--Pre-manufactured homes.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

On motion, House Bill No. 403 was made to conform with Senate Bill No. 450.

On motion, Senate Bill No. 450, on same subject, was substituted for House Bill No. 403.

House Bill No. 605--Permit affiliate banks to accept deposits.

On motion, House Bill No. 605 was made to conform with Senate Bill No. 319.

On motion, Senate Bill No. 319, on same subject, was substituted for House Bill No. 605.

House Bill No. 561--Wetlands Acquisition Fund.

On motion, House Bill No. 561 was made to conform with Senate Bill No. 514.

On motion, Senate Bill No. 514, on same subject, was substituted for House Bill No. 561.

House Joint Resolution No. 64--Smallman Shelter.

House Joint Resolution No. 72--Panther Creek State Park picnics shelter.

House Bill No. 1239--City Judge, Harriman.

House Bill No. 1240--Blount County probate court.

House Joint Resolution No. 168--Recognizing Alpha Phi Alpha.

House Joint Resolution No. 169--Congratulating Charles Grissom.

House Joint Resolution No. 170--Honoring Ernest Rasar.

House Joint Resolution No. 171--Commending Major Hooper Penuel.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland,

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

**OBJECTION -- CONSENT CALENDAR**

Objection was filed to the following bill on the Consent Calendar:

Mr. Chiles objected to House Bill No. 928.

Under the rules, House Bill No. 928 was placed at the foot of the Calendar for Wednesday, April 1, 1987.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1156--To amend Tennessee Soybean Promotion Act; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

House Bill No. 1136--Soybean Promotion.

On motion, House Bill No. 1136 was made to conform with Senate Bill No. 1156.

On motion, Senate Bill No. 1156, on same subject, was substituted for House Bill No. 1136.

Mr. Stallings moved that Senate Bill No. 1156 be passed on third and final consideration.

Mr. Stallings moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1156 by adding the following new Sections after Section 4 and renumbering subsequent sections accordingly:

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Section 5. Tennessee Code Annotated, Section 43-20-208 is amended by deleting the words and figures "ten (10)" and by substituting instead the following words and figures "twenty (20)".

Section 6. Tennessee Code Annotated, Section 43-20-208 is further amended by deleting the words "less refunds,".

On motion, the amendment was adopted.

Mr. Stallings moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 1156 by deleting Section 3 in its entirety and by substituting instead the following new section:

SECTION 3. Tennessee Code Annotated, Section 43-20-102, is amended by deleting from subsection (a) the following language:

"No member of the board shall be eligible to succeed himself on the board."

and by substituting instead the following language:

No member of the board shall be eligible to serve more than two (2) consecutive three (3) year terms on the board.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1156, as amended, passed its third and final consideration by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller,

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

House Bill No. 712--Elections county legislative bodies.

Mr. Dixon moved that House Bill No. 712 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 712 by inserting between the words "county" and "or municipality" the following:

With a population of seven hundred thousand (700,000) or more according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 712 by deleting Section 2 in its entirety and by substituting instead the following:

Section \_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

On motion, the amendment was adopted.

Mr. Nance moved to amend as follows:



**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY.**

**AMENDMENT NO. 3**

Amend House Bill No. 712 by inserting the following language as a new section immediately preceding the severability section and by appropriately renumbering subsequent sections:

Section \_\_\_\_ The provisions of this act shall not apply within the boundaries of any incorporated municipality having a population of not less than twenty thousand four hundred (20,400) nor more than twenty thousand five hundred (20,500) according to the 1980 federal census of population or any subsequent federal census of population as published in Volume 13 of Tennessee Code Annotated.

Mr. Dixon moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	51
Noes .....	35
Present and not voting .....	7

Representatives voting aye were: Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Davidson, DeBerry, DePriest, Drew, Ellis, Gaia, Garrett, Herron, Hillis, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Wheeler, Williams and Yelton--51.

Representatives voting no were: Bell, Bewley, Chiles, Coffey, Curlee, Davis (Cocke), Davis (Knox), Good, Harrill, Hassell, Hawkins, Henry, Holcomb, Holt, Hurley, Huskey, Kent, Lawson, May, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Robinson (Washington), Scruggs, Stafford, Swann, Ussery, Webb, Whitson, Winningham, Wolfe and Wood--35.

Representatives present and not voting were: Davis (Gibson), Hobbs, Miller, Rhinehart, Severance, West and Mr. Speaker Murray--7.

Mr. Moore moved to amend as follows:

**AMENDMENT NO. 4**

Amend House Bill No. 712 by adding a new section, to be appropriately numbered, before the effective date section and renumbering such section accordingly:

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

**SECTION \_\_\_\_.** The provisions of this act shall not apply in any municipality with a population of not more than twenty thousand two hundred fifty (20,250) nor less than seventeen thousand (17,000) or not more than sixteen thousand (16,000) in any county with a population of seven hundred thousand (700,000) or more, all according to the 1980 federal census or any subsequent federal census, as contained in Volume 13 of the Tennessee Code Annotated.

Mr. Dixon moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes .....	42
Noes .....	38
Present and not voting .....	5

Representatives voting aye were: Bivens, Burnett, Bushing, Byrd, Cain, Collier, Crain, Cross, Davis (Gibson), Deberry, DePriest, Drew, Duer, Ellis, Gaia, Garrett, Herron, Ivy, Jackson, Jones, R (Shelby), Jones, U (Shelby), Kernell, King, Kisber, Love, Naifeh, Odom, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C (Shelby), Turner, L (Shelby) and Williams--42.

Representatives voting no were: Bewley, Chiles, Coffey, Curlee, Davis (Cocke), Davis (Knox), Good, Harrill, Hassell, Hawkins, Head, Henry, Holcomb, Holt, Hurley, Huskey, Kent, Lawson, May, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Napier, Peroulas, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Ussery, Webb, Whitson, Winningham, Wolfe, Wood and Mr. Speaker Murray--38.

Representatives present and not voting were: Hillis, Hobbs, Moore (Lawrence), Rhinehart and West--5.

Mr. Kent moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 712 by adding a new section:

**Section \_\_\_\_.** Notwithstanding any other provision of the law to the contrary, this act shall apply to all counties within the state.

Mr. Jones, R (Shelby) moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Ayes ..... 59  
Noes ..... 33

Representatives voting aye were: Bivens, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Drew, Ellis, Gaia, Garrett, Head, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Long, Love, Miller, Montgomery, Moore (Lawrence), Naifeh, Napier, Odom, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Winningham, Wix and Mr. Speaker Murray--59.

Representatives voting no were: Bewley, Bragg, Chiles, Coffey, Davis (Cocke), Davis (Knox), Duer, Good, Harrill, Hassell, Hawkins, Henry, Holcomb, Huskey, Kent, Lawson, May, McAfee, Moody, Moore (Shelby), Nance, Peroulas, Rhinehart, Robinson (Washington), Stafford, Swann, Tankersley, Ussery, Webb, Whitson, Williams, Wolfe and Wood--33.

Mr. Starnes moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 712 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 287,700 nor more than 287,800 according to the 1980 federal census or any subsequent federal census.

Mr. Dixon moved that Amendment No. 6 be tabled, which motion failed the following vote:

Ayes ..... 27  
Noes ..... 61  
Present and not voting ..... 2

Representatives voting aye were: Byrd, Chiles, Crain, Cross, Davis (Gibson), DeBerry, Dixon, Drew, Gaia, Garrett, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, Odom, Phillips, Pruitt, Ridgeway, Shirley, Stallings, Tankersley, Tanner, Turner, C. (Shelby) and Turner, L. (Shelby)--27.

## **MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Representatives voting no were: Bewley, Bivens, Bragg, Buck, Cain, Clark, Coffey, Collier, Curlee, Davidson, Davis (Cocke), Davis (Knox), DePriest, Duer, Ellis, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Kent, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Nance, Napier, Peroulas, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Starnes, Swann, Turner (Hamilton), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Mr. Speaker Murray--61.

Representatives present and not voting were: Moore (Lawrence) and Robinson (Washington)--2.

Mr. Dixon moved that House Bill No. 712 be placed on the Calendar for Thursday, April 2, 1987, which motion prevailed.

### **HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 232--Criminal Injury Compensation Program.

#### **SENATE AMENDMENT NO. 1**

Amend House Bill No. 232 is amended by adding the following new sections after Section 1 and renumbering the existing Sections 2 and 3 appropriately:

Section \_\_\_\_ Tennessee Code Annotated, Section 29-13-111(b) is amended by deleting it in its entirety and substituting in its place the following:

If the claimant is a child, or is incompetent, the commission shall order payment to a relative or legal guardian.

In such situations, the payee shall submit to the claims commission a plan for the disbursement of all funds for the benefit of the claimant as will best promote the interest of the claimant. Such plan shall be submitted for approval prior to the close of formal proceedings before the claims commission. Thereafter, should the payee choose to alter or amend the terms of the plan, he or she shall file a petition in the claims commission setting out the nature of the proposed amendment or alteration and the reasons therefore, and shall pray for an order authorizing or directing the same. In the event the payee attempts to alter or amend the terms of the plan without going before the claims commission, he or she shall be liable for any amounts expended contrary to the provisions of the approved plan.

Section \_\_\_\_ Tennessee Code Annotated, Section 29-13-109(f)(2) is amended by adding the following as a new, appropriately designated item:

## MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY

( ) If the claimant is a child or is incompetent, a plan for the disbursement of all funds for the benefit of the claimant pursuant to Section 29-13-111(b).

Section \_\_\_\_\_. Tennessee Code Annotated, Section 29-13-109(f)(2)(N) is amended by deleting it in its entirety and substituting instead the following:

If the offense giving rise to the claim involved use of a motor vehicle, a finding that the offense resulted in a felony conviction or the clear probability that a felony conviction would have occurred, as required by the provisions of Section 29-13-104(1).

Mr. Naifeh moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 240--Pretreatment enforcement Act.

### SENATE AMENDMENT NO. 2

Amend House Bill No. 240 by adding the following to the end of the amendatory language of Section 4(b):

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

The state's share of any additional costs of this section shall be funded in accordance with section 9-6-303, from the increase in state imposed taxes which are earmarked to counties and which are not designated by such counties for a particular purpose.

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 240 the amendatory language of Section 4 by deleting from subsection (a)(2)(D)(v) thereof the word "case" and substituting instead the word "cease".

AND FURTHER AMEND the amendatory language of Section 5 by deleting from subsection (a) thereof the word "of" appearing between the words "program" and "Sections" and substituting instead the word "or".

AND FURTHER AMEND the amendatory language of Section 5 by deleting from subsection (d) thereof the word "appear" in the first sentence thereof, and substituting instead the word "appeal".

**SENATE AMENDMENT NO. 4**

Amend House Bill No. 240 by inserting in the next to last section in the first sentence between the words "any" and "increase" the word "net" and further amend by inserting in the same sentence after the word "expenditures" the following: "after subtracting out net gains from penalties and damage payments received".

Mr. West moved that the House concur in Senate Amendments Nos. 2, 3 and 4, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 555--Change projects Finance from proceeds of bonds.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 555 by deleting Section 1 in its entirety and substituting instead the following new Section 1:

SECTION 1. Tennessee Code Annotated, Section 9-9-113. is amended by deleting the last sentence of the section and by adding a new paragraph thereto as follows:

For the purpose of insuring that the bonds, notes and other obligations issued after September 1, 1986, pursuant to this chapter maintain their tax-exempt status as may be provided by the Internal Revenue Code of 1986, as amended, no state officer or employee or user of a project or program shall authorize or allow any change, amendment or modification to a project or program financed or refinanced with the proceeds of such obligations which change, amendment or modification would affect the tax-exempt status of such obligations unless the change, amendment, or modification shall have received the prior approval of the state funding board. Failure to receive the approval of the state funding board shall render any change, amendment, or modification null and void.

Mr. Bragg moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF SENATE BILL NO. 1010**

Senate Bill No. 1010--Baptist Memorial Hospital East, Memphis.

Mr. Naifeh moved that the motion to reconsider Senate Bill No. 1010 be lifted from the table, which motion prevailed.

Mr. Naifeh moved that the House reconsider its action in passing Senate Bill No. 1010 on third and final consideration, as amended, which motion prevailed.

Mr. Naifeh moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Naifeh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 1010, passed its third and final consideration by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.



## MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY

### SUSPEND RULES

Mr. Rhinehart moved that House Rule No. 78 be suspended for the purpose of calling House Bill No. 1238 from the Committee on Transportation for immediate consideration, which motion prevailed by the following vote:

Ayes .....	84
Noes .....	6
Present and not voting .....	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Severance, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--84.

Representatives voting no were: Bewley, Coffey, Montgomery, Robinson (Washington), Scruggs and Stafford--6.

Representatives present and not voting were: Robinson (Hamilton) and Whitson--2.

Under Rule No. 78, House Bill No. 1238 was placed on the Calendar for Thursday, April 2, 1987.

### NOTICE PURSUANT TO RULE NO. 59

Pursuant to Rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, April 1, 1987:

House Bill No. 29--Rhinehart

House Bill No. 617--Bivens

### BILLS RE-REFERRED

On motion of Mr. Cain, House Bill No. 173 was recalled from the Committee on Calendar and Rules.

## **MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

On motion of Mr. Cain, House Bill No. 173 was re-referred to the Committee on State and Local Government.

On motion of Mr. Phillips, House Bill No. 589 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Phillips, House Bill No. 589 was re-referred to the Committee on Finance, Ways and Means.

### **MOTIONS**

On motion of Ms. Pruitt, House Bill No. 1074 was recalled from the Committee on General Welfare.

On motion of Ms. Pruitt, House Bill No. 1074 was withdrawn from the House.

### **INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 173--Congratulating Miss Nancy Effie Schuff--By Collier.

Under the rules, House Joint Resolution No. 173 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 174--Ramp Festival Day--By Davis (Cocke).

Under the rules, House Joint Resolution No. 174 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 175--Continue Joint Committee on Veterans' Affairs--By Hillis, Miller and Yelton.

The Speaker referred House Joint Resolution No. 175 to the Committee on State and Local Government.

House Joint Resolution No. 176--Congratulating Mrs. Juanita H. Crump--By Jones, U. (Shelby), DeBerry, Dixon, Nance, Shirley, Hassell, Moore (Shelby), Turner, C. (Shelby), Byrd, Turner, L. (Shelby), Jones R. (Shelby), Gaia, Cain and King.

Under the rules, House Joint Resolution No. 176 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 177--Congratulating Philip Scott Anderson--By Bewley and Turner (Hamilton).

Under the rules, House Joint Resolution No. 177 was referred to the Committee on Calendar and Rules.

## **MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

House Joint Resolution No. 178--Congratulating Miss Anita Meadows--By Webb and Turner (Hamilton).

Under the rules, House Joint Resolution No. 178 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 179--Honoring Keith Marlin--By Curlee, Turner (Hamilton) and Mr. Speaker Murray.

Under the rules, House Joint Resolution No. 179 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 180--Honoring Dr. Marcella Cranford--By Miller and Turner (Hamilton).

Under the rules, House Joint Resolution No. 180 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 181--Congratulating Brian Baker--By Bushing and Turner (Hamilton).

Under the rules, House Joint Resolution No. 181 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 182--Honoring Angie Nelson--By Severance and Turner (Hamilton).

Under the rules, House Joint Resolution No. 182 was referred to the Committee on Calendar and Rules.

## **RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 87--Petition Congress to enact certain legislation, collection of use tax.

The Speaker referred Senate Joint Resolution No. 87 to the Committee on Finance, Ways and Means.

## **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bills Nos. 20, 113, 327, 515, 550, and 950.

Passed first consideration.

## **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1241--Interment in Sequatchie County--By Rhinehart.

Passed second consideration and held without reference.

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

House Bill No. 1242--Lewis County litigation tax--By Moore (Lawrence).

Passed second consideration and held without reference.

House Bill No. 1243--Charter of Toone--By Stallings.

Passed second consideration and held without reference.

House Bill No. 1244--Federal funds with Transportation--By Naifeh, Dixon, DeBerry and Love.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1245--Nolichucky River watercraft--By Whitson.

Passed second consideration and held without reference.

House Bill No. 1246--Gibson County School District--By Davis (Gibson).

Passed second consideration and held without reference.

**SECOND ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 86, 429, 700, 1239 and 1240;

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

and House Joint Resolutions Nos. 64, 72, 168, 169, 170 and 171; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 86--Drew

House Bill No. 619--Crain

House Bill 665--Curlee, DePriest and Napier

House Bill No. 361--Drew

House bill No. 463--Herron

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 183; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

130--Relative to congratulating Coach Pat Head Summitt; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 242 and 463; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MONDAY, MARCH 30, 1967--26TH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No.:

1238--To regulate issuance of school bonds, Gibson County; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos. 4, 49, 109, 116, 160, 162, 181, 371, 387, 580, 735, 854, 1063, 1143 and 1237; also, Senate Joint Resolutions Nos. 51, 106, 107, 108, 109 and 113 all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 260, 524, 566, 688, 1165, 1166, 1200, 1215, 1216, 1217, 1223, 1224, 1228, 1229, 1231, 1232 and 1236; also, House Joint Resolution No. 159; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 40, 57, 214, 223, 243, 521, 558, 600 and 1104; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

839--To regulate public television broadcasts, Alcoholic Beverage Commission;

848--To regulate sale of prison-produced agricultural products;

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

908--To regulate absentee voting, certain voters; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 20, 46, 142, 143, 145, 146, 147, 149, 150, 152, 153 and 163; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

70--Relative to acquiring Kern Tract, State Natural Area;

79--Relative to study, Special Task Force, Alzheimer's;

93--Relative to interest, Superconducting Super Collider;

111--Relative to memory, Richard F. and Louise McClain Machamer;

112--Relative to congratulating Dr. William Marking;

114--Relative to memory, Frank Douglas Hinton;

115--Relative to honoring Bart Watkins;

116--Relative to honoring Samuel G. Burgess, Jr.;

117--Relative to honoring David Farmer;

118--Relative to honoring Timothy A. Fitzgerald;

119--Relative to designating Year of the Constitution;

129--Relative to memory, A. F. "Hoppy" Plunk; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

**MONDAY, MARCH 30, 1987--26TH LEGISLATIVE DAY**

- 711--To regulate certain mining laws;
- 948--To regulate storage, grain warehouses;
- 958--To regulate compensation, judges, justices and chancellors;
- 1020--To regulate services, mentally ill and substance-abusing persons;
- 1126--To regulate reporting of child abuse; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 1, 1987: House Bills Nos. 936, 298, 785, 212, 1109, 1121, 73, 87, 448, 610, 1195, 325, 538, 409, 421; Senate Bill No. 22; House Bills Nos. 948, 1114, 618, 267, 12, 752, 747, 851 and 196.

PHILLIPS, Chairman.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1233, 1243, 1245 and 1246.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 1, 1987: House Joint Resolutions Nos. 173, 174, 176, 177, 178, 179, 180, 181, 182; and House Bills Nos. 1233, 1243, 1245 and 1246.

PHILLIPS, Chairman.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m., Wednesday, April 1, 1987.